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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Philip Stephen Smith, et al.	Examiner:	Mosser, Robert E.
Serial No.	10/764,995	Group Art Unit:	3714
Filed:	January 26, 2004	Docket No.	PA0959.ap.US
Title:	AUTOMATED MULTIPLAYER GAME TABLE WITH UNIQUE IMAGE FEED OF DEALER		

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MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
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The following documents are hereby submitted:

- ☒ Appeal Brief to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office
- ☒ Authorization to withdraw $510.00 to cover Appeal Brief Fee
- ☒ Transmittal Sheet
- ☒ Facsimile Cover Sheet

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Atty: Mark A. Litman
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S/N 10/764,995 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Commissioner for Patents
Alexandria, VA22313-1450

Sir:

This APPEAL BRIEF is being filed in response to the **FINAL** Office Action mailed on 11 MAY 2007. The U.S. Patent and Trademark Office is hereby authorized to debit any costs and fees associated with this Petition to Deposit Account No. 50-1391. Appellant(s) is submitting this single copy of the Appeal Brief in Compliance with the requirements of 37 CFR 41.37(c). Appellant requests a personal appearance at the Board of Appeals, but will defer payment of the fee until after receipt of the Examiner's Answer.

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: APPEAL BRIEF - PATENTS, P.O. BOX 1450, Commissioner for Patents, Alexandria, VA 22313-1450 26 September 2008

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Mark A. Litman
Name

_____
Signature

TABLE OF CONTENTS

REAL PARTY IN INTEREST

The real party in interest in this Appeal is the assignee of the full right, title and interest in this Application, Shuffle Master, Inc., having a place of business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119-3730.

RELATED APPEALS AND INTERFERENCES

The Appellant(s), the legal representative prosecuting this application and Appeal, and the assignee are not aware of any Appeals or Interferences that will directly affect or have a bearing on the Board's of Patent Appeals and Interferences decision in this pending Appeal.

STATUS OF CLAIMS

Claims 1-17, all of the claims in this application have been finally rejected.

Claims 1-17, all of the claims in this Application are on Appeal.

STATUS OF AMENDMENTS

All Amendments filed during the prosecution of this Application have been entered without objection. No amendment to the claims after Final Rejection was submitted.

SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 2 and 3 are the only independent claims in this Appeal.

1. An automated wagering gaming event system comprising: **[PAGE 19, LINE 7]**

at least two distinct video displays, a first video display for showing a dealer in a card game and at least a second video display showing playing cards to individual players; **[PAGE 19, LINES 7-21]**

at least one processor for enabling play of the wagering gaming event; **[PAGE 20, LINES 3-28]**

multiple player positions to enable multiple players to play the game; **[PAGE 19, LINES 7-21]**

wherein the at least one processor is connected to at least two distinct feeds of video information so that the processor is fed the at least two different video images and the at least one processor contains software that merges the at least two video images to form a composite image of a dealer against a background, **[PAGE 25, LINE 1 through PAGE 27, LINE 14]**

at least two separate feeds of video image information connected to sources of different video content that are fed into the processor and are merged in the at least one processor and then displayed on the first video display; **[PAGE 45, LINE 22 through PAGE 46 LINE 7]**

wherein the background comprises at least one dynamic image.**[PAGE 49, LINE 22 through PAGE 50, LINE 2]**

2. An automated wagering gaming event system comprising: **[PAGE 19, LINE 7]**

at least two distinct video displays, a first dealer video display for showing a dealer in a card game and at least a second video display showing playing cards provided to individual players; **[PAGE 19, LINES 7-21]**

at least one processor for enabling play of the wagering gaming event; **[PAGE 20, LINES 3-28]**

a live camera feeding live video data to the at least one processor; .**[PAGE 49, LINE 22 through PAGE 50, LINE 2]**

multiple player positions to enable multiple players to play the game; **[PAGE 19, LINES 7-21]**

wherein the at least one processor is connected to at least two distinct feeds of video information so that the processor is fed the at least two different video images and merges the at least two multiple video images to form a composite image of a dealer against a background, **[PAGE 25, LINE 1 through PAGE 27, LINE 14]**

the at least one processor having a feed from a live video image from a live camera that that is one of the at least two distinct feeds that is merged and provides a background component for a video feed of the image of the dealer that is virtually merged on the first screen to show a dealer with a live video image background. .**[PAGE 49, LINE 22 through PAGE 50, LINE 2]**

3. An automated wagering gaming event system comprising: **[PAGE 19, LINE 7]**

at least two distinct video displays, a first dealer video display for showing a foreground image of a dealer in a card game, and at least a second video display showing playing cards to individual players; **[PAGE 19, LINES 7-21]**

at least one processor for enabling play of the wagering gaming event; **[PAGE 20, LINES 3-28]**

multiple player positions to enable multiple players to play the game; **[PAGE 19, LINES 7-21]**

wherein at least one of the processors is transmission connected to separate feeds for at least three different sets of video image data and the at least one processor has software therein that is executed and merges the at least three multiple video images to form a composite image of a dealer against a background, **[PAGE 50, LINES 12-14; and PAGE 25, LINE 1 through PAGE 27, LINE 14]**

a feed to the first video display screen that carries the composite image; and

the processor having a file source feeding at least one set of video image data as a mask layer and at least one other set of video image data as an auxiliary dynamic background image for display of the merged image. .**[PAGE 49, LINE 22 through PAGE 50, LINE 2]**

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Solely for the purposes of expediting this Appeal and complying with the requirements of 37 C.F.R. 1.192(c)(7), the following grouping of claims is presented. This grouping is not intended to constitute any admission on the record that claims within groups may or may not be independently asserted in subsequent litigation or that for any judicial determination other than this Appeal, the claims may or may not stand by themselves against any challenge to their validity or enforceability.

1. Claims 1-17 have been rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending U.S. Application 10/910713.

2. Claims 1-16 are rejected under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.) when considered with Published U.S. Patent Application 20020147987 (Reynolds).

3. Claims 17 is under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.), when further considered with U.S. Patent No. 6,731,416 (Hazzard).

ARGUMENT

1. Claims 1-17 have been rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending U.S. Application 10/910713.

Applicants previously filed a Terminal Disclaimer, but have since petitioned to remove that Terminal Disclaimer. At the same time, claim 75 of the copending application has been canceled, so the rejection is moot.

2. Claims 1-16 are rejected under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.) when considered with Published U.S. Patent Application 20020147987.

Special Remarks

The Response to Arguments provided in the final rejection on pages 7-10 make the following assertions:

A) Applicants are arguing the intended use of an apparatus.

This is in error. Applicants claims recite an apparatus structure that contains physical elements and recited software that enables the performance of specific tasks. This is not merely intended use. The difference is quite substantive.

If Applicants were claiming intended use, the claim might look something like the following:

> 1) An apparatus for providing merged images comprising at least one dynamic images comprising a processor and a video monitor on which merged images are displayed.

That type of claim is clearly only an intended use. That claim must be compared with the recitations of the present claims where specific feed lines are recited, software performing specific tasks is present on the processor, and the like.

The position taken by the Examiner on this issue is in effect an attempt to reverse thirty years of Patent Law enabling patentability of novel methods and apparatus performed by processors unless there is some novel and unobvious mechanical or electronic component in the design of the apparatus. That position is in error.

B) The "underlying structure...could reasonable [*sic*, reasonably] support the disclosed intended use.

The cited case law is either one of the original cases that allowed the claiming of subject matter including the operation of software, or cases that are not material to the patentability of subject matter including software. None of these cases cover the broad situation painted by the rejection.

For example, the most recent of the four cited cases was *In re Schreiber*, 128 F.3d 1473, 1477-78; 44 U.S.P.Q.2d 1429, 1431-32 (Fed. Cir. 1997) relates to the patentability of a dispensing top for pop corn. **The case has absolutely no bearing on software content enabling new processes embedded in a structure enabling execution and performance of the software**. The citation of this case, in the absence of any applicability to software content is immaterial and does not support the position taken in the rejection. That position, in attempting to apply this case law, is in opposition to US PTO standards for patentability of software and is in error as a matter of law.

This approach, as shown below, is in direct contradiction to the legal position of the U.S. Courts. In the 1981 case of *Diamond v. Diehr*, 450 U.S. 175 (S. Ct., 1981), the United States Supreme Court ordered the USPTO to grant a patent on an invention even though a substantial part of the invention consisted of a computer program which used well-known formulae for calculating the time when rubber was cured and the mold could be opened. The Supreme Court stated that in this case, the invention was not merely a mathematical algorithm, but a process for molding rubber, which was therefore patentable.

After this point, more patents on software began to be granted, albeit with conflicting and confusing results. The United States Court of Appeals for the Federal Circuit (CAFC) eliminated any doubt as to the patentability of software in a series of rulings. The first, *In re Alappat*, 33 F.3d 1526, 1540-41, 1545 (Fed. Cir. 1994) explained that a novel algorithm combined with a trivial physical step constitutes a novel physical device. Therefore, a computing device on which is loaded a mathematical algorithm is a "new machine", which is patentable under traditional patent law. This was further bolstered in *In re Lowry*, 32 U.S.P.Q.2d 1031 (CAFC 1994) which stated that a data structure representing information on a computer's hard drive or memory is similarly to be treated as a physical device. Patent examiners require the words "computer readable" in a software claim to distinguish over printed matter such as instructions printed on paper.

Finally, in *State Street Bank & Trust Company v. Signature Financial Group, Inc.*, 149 F.3d 1368 (Fed. Cir. 1998), 47 USPQ2d 1596, the CAFC ruled that a numerical calculation that produces a "useful, concrete and tangible result", such as a price, is patentable.

None of these cases required anything more than existing processors and apparatus to perform novel methods with a definite result. The merging and displaying of images is a definite result of the apparatus and methods herein. **This rejection is in error as a matter of Law and fact.**

C) The rejection asserts that the claim structure does not "elaborate on how the processing board operates or is defined." The fact is that the presence of the processing board is recited and functionality for that structural element need not be recited in the claims. In fact, the existing recitation of structure and function is a highly limiting claim formatting and is not preferred.

Remarks in the Rejections and Comments of the Examiner (Page 7-10)

B(i) The rejection asserts that arguments that the processor of Toyoda would be insufficient to **merge** two video feeds are in error because of Figures 4 and 13C of Toyoda. (**emphasis** added)

The fault in this position is that the description of the content of Figures 4 and 13C clearly show that images are **not merged**, but are merely juxtaposed. Note specifically Toyoda's description of Figure 4 from paragraphs [0117] – [0123]. The various images are shown on three separate video devices **32, 42** and **52**. This is absolutely clear from the teachings of Toyoda explicit to Figures 4 and 13C. Note the specific statement in paragraph [0117] that "The image data to be displayed on display device **32** corresponds to display area **R2**, the image data to be displayed on display device **42** corresponds to display are **43**, and the image data to be displayed on each display device **52** corresponds to display area **R4**." Even though Figure 4 gives a false impression of image overlay, the actual description and the schematic on Figure 3 clearly show three distinct display devices **32 42 52** and separate data fed to each display device. There is no merging of image data of a dealer on a background.

Additionally, the claim requires that "wherein the background comprises at least one dynamic image." It is impermissible to merely assert that every computer is capable

of doing this. The claim requires this dynamic feed to be present and there is no disclosure or teaching of a dynamic feed merged with a dealer image. It is impermissible to assume functional capability and the use of the functional capability and the provision of functional capability from any computer. The logical extreme extension from such a position is that any use of a computer is obvious as any computer could perform that function. That position is not in compliance with 35 USC 103(a) or U.S. Patent Office standards for rejection of structures containing computers which recites function and software.

The arguments by the US Patent and Trademark Office with respect to Figure 13C fail to recognize that those images and image devices are not the image functions or devices claimed by the present claims. **The images on devices 52A-D are the images on individual player screens**. Note Figure 1 and the location therein of elements **52A, 52B, 52C** and **52D**. These are the player monitors. The function and objective of Figure 13C is not instructive of the subject matter of claims 1-17. The separate display areas for player images and card images on the player screens is not instructive of providing a merged image of a dealer image and **a dynamic background image.**

B(ii) The Office Action further asserts that Figures 4 and 15 show multiple feeds and the presentation of the multiple feeds on a common display... while the combination of Toyoda and Reynolds is provided to replace a possibly static background of the dealer with a live background. The multiple feeds are for use on the player monitors **52 (A-D) and not the recited functions of providing a dealer image on a dynamic background.**

Even if the proposed combination of replacing the "background" described in Toyoda with a video feed background of Reynolds were made, that replacement would occur on the players' monitors and would not provide the method, function and structure recited in the claims, the combination of a dealer image with the dynamic background. Reynolds is a purely technical capability function and has no direct implications or teachings related to the gaming art or the objectives of the present technology.

The present technology allows the dealer display to be readily adjusted to the intent of the casino managers, with dealer images replaceable to match the make-up of the players, and dynamic background images replaceable to meet casino objectives of entertainment or thematic display. That concept and method is not disclosed by Toyoda in view of Reynolds. Toyoda must combine card images and player images on the

separate areas of the player monitor to achieve desired Toyoda effects, but there is no suggestion or technical disclosure of:

> software that merges the at least two multiple video images **to form a composite image of a dealer against a background**, ...
>
> **wherein the background comprises at least one dynamic image**.

The combination of references fails to teach the subject matter of the claims or make that subject matter obvious to one skilled in the art.

The Examiner also asserts that the previous arguments do not consistently apply and discuss the terms of "dynamic image," "video feed," and the like. Applicants disagree. Applicants appreciate that a video feed within the content of the Reynold's disclosure may be a dynamic image, but that the images of Toyoda are not combined in a display of a dealer image against a dynamic image background.

Additionally, claim 2 specifically recites a live feed as part of the merged background image, thus limiting the dynamic image to a live dynamic image from a camera.

INDEPENDENT PATENTABILITY OF CLAIM 3 AND ALL CLAIMS DEPENDENT THEREFROM

Additionally claim 3 recites that:

> "...the processor having a file source feeding at least one set of video image data as **a mask layer and at least one other set of video image data as an auxiliary dynamic background image for display of the merged image**."

Neither Toyoda nor Reynolds has been cited as showing the combination of the **THREE IMAGES** (as recited in the claim) in the first video display to combine the dealer image, the mask image **and** the dynamic background image. Claim 3 and each claim dependent therefrom is clearly novel and unobvious over the art cited in the rejection.

MORE DETAIL IN THE TRAVERSAL OF THE REJECTIONS

It is important to evaluate this rejection to view the actual limitations of the claims in comparison with the actual teachings of Toyoda et al.

CLAIM 1 OF PRESENT APPLICATION	DISCLOSURE OF TOYODA ET AL. REFERENCE
An automated wagering gaming event system comprising:	SAME

At least two distinct video displays, a first video display for showing a dealer in a card game and at least a second video display showing playing cards to individual players;	**SAME**
Playing cards to individual players;	**SAME**
at least one processor for enabling play of the wagering gaming event;	**SAME**
multiple player positions to enable multiple players to play the game;	**SAME**
Wherein the at least one processor is connected to at least two distinct feeds of video information so that the processor is fed the at least two different multiple video images and contains software that **merges the at least two multiple video images to form a composite image of a dealer against a background,**	**Rejection assumes capability in any processor. There is no specific disclosure of this capability in Toyoda et al.**
at least two separate feeds of video image information connected to sources of different video content that are fed into the processor and are merged in the at least one processor and then displayed on the first video display;	**Rejection assumes capability in any processor, but reference does not teach feed from separate image databases ON THE FIRST VIDEO DISPLAY (the virtual dealer display). The background and merged image of Toyoda et al. is only on the card display. The Background images of the Toyoda et al. card display is no more than a static background image of a table.**
wherein **the background comprises at least one dynamic image.**	**Rejection assumes capability in any processor. The Toyoda et al. background image display is STATIC, not dynamic.**

The rejection essentially asserts that the recitation of the processor functionality is essentially only a recitation of the innate ability of a processor (such as shown by Toyoda et al.) in combination with the multiple viewing screens also shown by Toyoda. The claims were previously amended to include structural content of the processor and all essential additional hardware in addition to the elements already claimed.

All independent claims previously have been amended so that additional structure used in the enablement of the system and originally disclosed in the Application (generally and, for example, page 50) is recited in the claims. These structural elements added with the amendments recite specific structural features, feeds, connections, live video cameras, software in the at least one processor to merge separate feeds of video information, etc.

As the rejection over Toyoda et al. was based upon a concept of inherent capability of the system (asserted to have previously contained no structure that was not taught by Toyoda et al.) and as the claims now do recite structure that is not taught by Toyoda et al. (see the limitations added to the claims), the rejection is in error.

Equally important is the fact that Toyoda et al. shows only a static background for the playing cards (e.g., a simulated surface that remains stationary), while the claims recite that in the present invention, "...**the background [INCLUDING THE DEALER IMAGE ON THE FIRST DISPLAY DEVICE] comprises at least one dynamic image**." There is no disclosure or enablement of a merged dealer image, or a merged image **with the background including at least one dynamic image**. The rejection fails to establish that the invention as a whole as claimed is obvious from the teachings of the art.

There are significant commercial and technical advantages and differences from the system as claimed and that shown by Toyoda. By enabling a dynamic feed into the dealer image, live feeds from the casino environment, local sights, sporting events, and unique "themed" background imagery may be fed into a standard dealer image format. As the play of the game remains the same for a dealer image and the rules of play, the gaming units may be tailored for use for each casino or different events by feeding a dynamic image into the background of the dealer. For example, the Venetian in Las Vegas, Nevada may have the identical dealer image, but feed a dynamic display of the gondola rides as a background. With the identical dealer image at the Paris, a background of the Champs Elysses may be displayed to maintain the casino ambiance. The ability to supply dynamic background feeds into the dealer image display enables the supplier to provide a standard game uniquely compatible with specific casinos and locations at very low costs. This is not disclosed by Toyoda et al., and is a non-obvious limitation of the invention.

Applicants have reviewed the specification of Toyoda et al. and do not find separate video feeds to the **dealer image**, do not find disclosure of separate video feeds **of the dealer and a dynamic background** to a processor, simultaneous feeding of video image data to a processor, software enabling merging of separate video feeds, and the like.

No live feed is present in Toyoda et al. The U.S. Patent and Trademark Office PAIR system has been accessed and the pending amended claim 2 also has no reference to live feed.

Although the Examiner has previously cited a number of Court and Board of Appeals decisions on the issue of "...the absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation...," the reliance on the general statements of the cases does not address the issues here. In the operation of the present technology, and as recited in the claims, there is software recited in the claims that performs the functions described. The cases do not support either inherency or obviousness of functionality from the mere presence of a processor, since specific software is required to perform these tasks, and the presence of that software is recited in the claims. To assert that all functionality is inherent in a processor, in the absence of a showing of that functionality in the art and the software to accomplish that functionality is error. Additionally, there is no motivation from the art of record to provide that functionality and provide that software.

The teachings of Reynolds do not cure the deficiencies of Toyoda et al. A review of the specification of Reynolds also shows that the only use of "live" is with respect to areas where people live, and there is no disclosure of a live feed combined in the dealer display. In that regard, both Toyoda et al. and Reynolds fail to show this limitation.

Reynolds shows providing two sources of video images, from different locations, combining the sources of video information at a specific site, and then forwarding that composite image to a separate location to display the combined image. This is specifically described as:

> [0011] The present invention may therefore comprise a method of locally generating a composite video signal at a viewer location comprising: generating a first video signal; generating a second video signal; generating a presentation description at a location that is remote from the viewer location; **transmitting the presentation description to the viewer location; transmitting the first video signal and the second video signal as multiple video signals to the viewer location;** generating control signals from the presentation description; and combining the multiple video signals in accordance with the control signals to produce a composite video signal, the composite video signal comprising a portion of the first video signal and a portion of the second video signal wherein the portion of the first video signal and the portion of the second video signal are displayed simultaneously. (**Emphasis** added)

Reynolds does not show a stored image content at a gaming location, provision of a second image at the same gaming location, combining the images at the gaming location, and displaying the images at the same gaming location wherein the combined images are of a dealer in a game and a dynamic background. Note for instance the detail and specificity of claims 7-10 with regard to even the storage of the image signals. The disclosure of Reynolds teaches away from the system recited in these claims as it appears to be more of a central service for providing combined images at distinct and different locations from a single processor source of combined images.

It is also not seen that Reynolds specifically shows dynamic images as the background image, and clearly does not show dynamic background images combined in a gaming apparatus, at the gaming site as the backdrop for a dealer in a casino multiplayer wagering game.

As neither reference enables or teaches the limitation of a dynamic background feed, the rejection must fail as a matter of law and as a matter of the facts in the rejection.

It is to be further noted that these types of limitations are present in other independent claims, such as claim 3 wherein there is the further distinguishing limitations of:

> "wherein at least one of the processors is transmission connected to separate feeds for at least three different sets of video image data and **the at least one processor has software therein that is executed and merges the at least three multiple video images to form a composite image of a dealer against a background,**
>
> a feed to the first video display screen that carries the composite image;
>
> **the processor having a file source enabling feeding at least one set of video image data as a mask layer and at least one other set of video image data as an auxiliary dynamic background image for display of the merged image. (emphasis** added)

Neither Toyoda nor Reynolds discloses these aspects of the claimed invention in their respective or collective disclosures.

It is to be further noted that claims 12-14 all contain limitations as to structure in the device that is not disclosed by Toyoda et al. and is not taught by Reynolds (which is not event relevant to the gaming table structure of the claims). The limitations of technical import are:

> "...each player position has an individual player processing board dedicated to that position..."

There is no art of record that teaches this limitation. The player positions have player input function, but all processing function is performed elsewhere in the system, and none is performed separately at each player position. For example, look at FIG. 2, which clearly shows button or touchscreen entry, signals sent through interface circuit sets to other processors. There is no processor dedicated to each of the player positions shown in this configuration or elsewhere disclosed by Toyoda. This feature is novel and unobvious over any disclosure used in the rejection.

Individually and collectively, the combination of references fails to teach the subject matter claimed as a whole.

Although the single rejection is applied against claims 1-16, the text of the rejection parses the statement as between claims 1-10 and claims 11-16. Although the claimed subject matter of claims 11-16 does require separate processors for different functions, it is not obvious to provide separate processors for the distinct functions where, as discussed above, the functions of merging video feeds to provide the dealer background on the first display device and displaying a background comprising at least one dynamic image.

3. Claims 17 is under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.) in view of Reynolds et al. (U.S. Published Application 20020147987), when further considered with U.S. Patent No. 6,731,416 (Hazzard).

This rejection must fail at least for the reasons presented directly above with respect to the rejection of claims 1-16 under 35 USC 103(a) over Toyoda et al. in view of Reynolds et al. (U.S. Published Application 20020147987).

Even if Hazzard does show the structure for which it is cited (the screen guard), it does not show the structural features that have been shown to be absent from Toyoda et al. in view of Reynolds with respect to the claims from which claim 17 depends. This rejection must be withdrawn.

CONCLUSION

All rejections have been shown to be overcome by the previously submitted cancellation of claim 75 of the copending application. All rejections should be reversed in view of the above arguments, all claims should be allowed and the Application should be passed to Issue. If the Examiner believes that some issues may be further overcome by an interview with the Attorney of Record (either by telephone or in person), the Examiner is respectfully requested to call the attorney of record at **952.832.9090** (CST) at his convenience.

Respectfully submitted,

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By Their Representatives,

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Date: 26 September 2008

By: _____
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile to the US Patent and Trademark Office addressed to: Mail Stop: APPEAL BRIEF - PATENTS, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 26 SEPTEMBER 2008.

Mark A. Litman
Name

_____
Signature

CLAIMS APPENDIX

1. (APPEALED) An automated wagering gaming event system comprising:

at least two distinct video displays, a first video display for showing a dealer in a card game and at least a second video display showing playing cards to individual players;

at least one processor for enabling play of the wagering gaming event;

multiple player positions to enable multiple players to play the game;

wherein the at least one processor is connected to at least two distinct feeds of video information so that the processor is fed the at least two different multiple video images and the at least one processor contains software that merges the at least two multiple video images to form a composite image of a dealer against a background,

at least two separate feeds of video image information connected to sources of different video content that are fed into the processor and are merged in the at least one processor and then displayed on the first video display;

wherein the background comprises at least one dynamic image.

2. (APPEALED) An automated wagering gaming event system comprising:

at least two distinct video displays, a first dealer video display for showing a dealer in a card game and at least a second video display showing playing cards provided to individual players;

at least one processor for enabling play of the wagering gaming event;

a live camera feeding live video data to the at least one processor;

multiple player positions to enable multiple players to play the game;

wherein the at least one processor is connected to at least two distinct feeds of video information so that the processor is fed the at least two different multiple video images and merges the at least two multiple video images to form a composite image of a dealer against a background,

the at least one processor having a feed from a live video image from a live camera that that is one of the at least two distinct feeds that is merged and provides a background component for a video feed of the image of the dealer that is virtually merged on the first screen to show a dealer with a live video image background.

3. (APPEALED) An automated wagering gaming event system comprising:

at least two distinct video displays, a first dealer video display for showing a foreground image of a dealer in a card game, and at least a second video display showing playing cards to individual players;

at least one processor for enabling play of the wagering gaming event;

multiple player positions to enable multiple players to play the game;

wherein at least one of the processors is transmission connected to separate feeds for at least three different sets of video image data and the at least one processor has software therein that is executed and merges the at least three multiple video images to form a composite image of a dealer against a background,

a feed to the first video display screen that carries the composite image; and

the processor having a file source feeding at least one set of video image data as a mask layer and at least one other set of video image data as an auxiliary dynamic background image for display of the merged image.

4. (APPEALED) The automated wagering system of claim 3 wherein the auxiliary image is presented as a picture-in-picture image is positioned into at least one of the dealer display or the second image display.

5. (APPEALED) The automated wagering system of claim 2 wherein a picture-in-picture image is positioned into at least one of the dealer display or the second image display.

6. (APPEALED) The automated wagering system of claim 3 wherein a picture-in-picture image is positioned into at least one of the dealer display or the second image display.

7. (APPEALED) The automated wagering system of claim 1 wherein a multiple number of dynamic background images are stored in files and the files are connected through a feed into the at least one processor for the dealer foreground image are stored in the system and are available for feed into the first dealer display.

8. (APPEALED) The automated wagering system of claim 2 wherein a multiple number of background images are stored in files and the files are connected through a feed into the at least one processor for the dealer foreground image are available for feed into the

first dealer display, wherein at least one background image is a dynamic background image.

9. (APPEALED) The automated wagering system of claim 3 wherein a multiple number of background images are stored in files and the files are connected through a feed into the at least one processor for the dealer foreground image are available for feed into the first dealer display.

10. (APPEALED) The automated wagering system of claim 6 wherein a multiple number of background images are stored in files and the files are connected through a feed into the at least one processor for the dealer foreground image are available for feed into the first dealer display.

11. (APPEALED) The automated gaming system of claim 1 comprising a gaming table and an upright video display panel comprising:

a table having an upper surface, the upper surface having a video display surface that provides a continuous field of video display and at least two different player positions; and

at least one main game processor in information communication with the upright video display panel and the video display surface, the processor directing video display on both the upright video display panel and the video display surface, and providing game rules for the play of at least one casino table card game without the use of physical cards on the table.

12. (APPEALED) The automated gaming system of claim 11 wherein each player position has an individual player processing board dedicated to that position.

13. (APPEALED) The automated gaming system of claim 12 wherein each individual player processing board communicates directly with a main game processor.

14. (APPEALED) The automated gaming system of claim 12 wherein each individual player processing board communicates directly with a single Dealer game engine processor.

15. (APPEALED) The automated gaming system of claim 14 wherein the single Dealer game engine processor communicates directly with the main game processor.

16. (APPEALED) The automated gaming system of claim 11 wherein the main game processor is programmable to display and execute different casino table games, wherein cards are used in the play of each of the games.

17. (APPEALED) The automated gaming system of claim 11 wherein the video display surface has changeable light filtering that can screen displayed images from various angles.

EVIDENCE APPENDIX

Neither Appellants nor their counsel in this Appeal are aware of any secondary or supplemental evidence submitted during the prosecution of this Application that must be considered by the Board of patent Appeals in this decision.

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RELATED PROCEEDINGS APPENDIX

Neither Appellants nor their counsel on this Appeal are aware of any proceedings before the US Patent and Trademark Office or any US Judicial or Quasi-Judicial authority that relates directly towards any issues in this Appeal.